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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

**In Re:**  
**PROS RIVERA,**  
**Debtor,**

**CHERIE IVEY,**  
**Plaintiff,**  
**vs.**  
**PROS RIVERA,**  
**Defendant.**

**Case No.:**  
**Civil Number: CV 07-04333PJH**

**Bankruptcy No.: 05-32090 TEC**  
**Adversary Proceeding No. 05-3441**

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF AN EX  
PARTE “EMERGENCY” APPLICATION  
AND MOTION FOR AN ORDER  
GRANTING A ONE WEEK EXTENSION  
TO FILE THE APPELLANT’S OPENING  
BRIEF DUE TO ILLNESS OF ATTORNEY  
FOR APPELLANT**

**THIS COURT MAY ISSUE AN ORDER IN RESPONSE TO A EX PARTE “EMERGENCY”  
MOTION**

1. The Attorney for the Appellant became ill over the weekend and is requesting a one (1) week Extension to file the Appellant’s Opening Brief which is now due November 13, 2007 (Today). The Appellant’s Attorney is submitting this “Emergency” Motion pursuant to Rule 8011 (a) of the Federal Rules of Bankruptcy Procedure by filing this with the Clerk of the District Court and a Proof of Service by Fax on the Appellee. A Declaration Under Penalty of Perjury signed by Attorney for the Appellant is being filed herewith.

